IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1789 OF 2006

Sandeep S. Mundra & Others ...Petitioners
vs.
The State of Maharashtra and another ...Respondents

Mr.Ganesh Gole for the Petitioner
Mr.S.V.More, A.P.P. for State
Mr.Anilkumar Patil for Respondent No.2.

CORAM: A.S.OKA,J.
DATE : OCTOBER 16,2006.

P.C.:

1. Heard Advocate appearing for the Petitioners and the learned Advocate for the second Respondent.The learned A.P.P. appears for the State. The second Respondent has filed a private complaint in the Court of Chief Judicial Magistrate, Sangli for the offence under sections 384, 406, 408, 420, 379, 380, 427, 511, 504, 506 read with section 34 of the Indian Penal Code.

2. By this Petition, the Advocate for the Petitioners pointed out various discrepancies in the entries in roznama of the case maintained by the trial Court. The submission of the Advocate for the Petitioners is that there was no occasion to issue warrants against the Petitioners. Considering the nature of the allegations made and after perusing the certified copies of the Roznama tendered by the learned Advocate for the Petitioners, I had directed the office to call for the report of the learned Trial Judge. Accordingly, a report has been submitted by the learned 3rd Joint Civil Judge, (J.D.) and Judicial Magistrate First Class, Sangli. Perusal of the said report shows that there is some substance

in the grievance made by the Petitioners as regards entries made in the Roznama. The learned Trial Judge has explained how for such incorrect entries were made in the Roznama. He stated that considering the large number of matters on daily board and heavy pressure of work, it is not possible for him to verify the correctness of each and every entry made in the roznama by the concerned Clerk. He has to rely upon the concerned Clerk who writes the Roznama. There is some merit in the said explanation offered by the learned Judge. In the said report, he has also stated that he has taken up the matter by issuing notice to the concerned Clerk who has allegedly committed default. An enquiry has been initiated against the concerned Clerk. The Report of the learned Trial Judge is accepted.

3. In view of the said report, it is obvious that non-bailable warrant cannot be executed against the Petitioners as of today. The learned Counsel for the Petitioners states that on the next date i.e. 29th November 2006, the Petitioners will appear before the learned Magistrate and will make an application for exemption. He submitted that exemption may be granted from personal appearance till the discharge Application filed by the Petitioners is decided as some of the Petitioners are residing in Delhi and some of them are residing in Mumbai and the case is pending before the Court of Civil Judge (J.D.) and J.M.F.C., Sangli. However, it is for the Petitioners to take out appropriate Application in that behalf.

4. Hence, the Petition is disposed of by passing the following order :

i) Non bailable warrants ordered to be issued against the Petitioners shall not be executed against the Petitioners.

ii) Statement made by the Petitioners that they will appear before the learned Magistrate on 29th November 2006 is accepted.

iii) If the Petitioners appear before the learned Chief Judicial Magistrate, Sangli on 29th November 2006 and if an application is made by the Petitioners for exemption, the same shall be decided by the learned Magistrate in accordance with law.

iv) It will be open for the Petitioners to seek relief as prayed in clause (c) of this Application by making appropriate application before the learned Magistrate.

v) Petition is disposed of in above terms.

. Parties to act upon an authenticated copy of this order.

JUDGE